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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re:)	Case No: 25-10035-B-13
)	Chapter 13
ALEXANDER PILKINTON, IV)	
REBECCA MARIE PILKINTON)	
)	DC No.: SL-1
)	
)	Date: March 12, 2025
Debtor(s))	Time: 9:30 a.m.
)	Dept.: B
)	Place: Courtroom 13, 5 th Floor
)	2500 Tulare St.
)	Fresno, California
)	Judge: Honorable Rene Lastreto II

MOTION TO VALUE COLLATERAL OF CAPITAL ONE AUTO FINANCE
UNDER 11 U.S.C §506(a) AND (d)

TO: Capital One Auto Finance

The above Debtors have filed a Chapter 13 Plan, a copy of which is being served herewith upon Capital One Auto Finance, that includes a motion seeking to value their 2021 Jeep Gladiator, that Capital One Auto Finance holds as collateral for its debt. The Debtors hereby move to fix the value of Capital One Auto Finance' claim at the value of the collateral net of senior liens, if any, with the remainder of Capital One Auto Finance' claim being unsecured. The plan proposes to pay the secured portion of Capital One Auto Finance's claim with interest at 8.5% per annum. Regarding the unsecured portion of your claim, unsecured creditors are proposed to be paid 100% of the allowed

1 amount of their claim under the proposed plan, provided Capital One Auto Finance file a timely Proof
2 of Claim. The above creditor will receive 0% interest on the unsecured portion of its claim. The
3 value of the collateral for purposes of 11 U.S.C. §506 and 11 U.S.C. §1322 (b) is \$27,912.00 (See
4 attached Declaration in support and Exhibits).

5 A debtor's ability to value collateral consisting of a motor vehicle is limited by the terms of
6 the hanging paragraph of 11 U.S.C. § 1325(a). Under this statute, a purchase money security interest
7 lien secured by a motor vehicle cannot be stripped down to the collateral's value if: (i) the lien
8 securing the claim is secured by property of any value, and (ii) the debt was incurred within a 910 day
9 period preceding the date of the petition, and that (iii) the collateral for the debt consists of a motor
10 vehicle acquired for the personal use of the debtor.

11 Here, Debtors incurred a purchase money loan on 2021 Jeep Gladiator, the vehicle is
12 currently worth \$27,912.00 pursuant to the Debtor's personal knowledge as the owner-operators of
13 the vehicle. The debt was incurred in September 03, 2021, and the Debtors filed their Chapter 13
14 Voluntary petition on January 7, 2025, more than 910 days after the debt was incurred. Thus, for the
15 foregoing reasons, the Debtors are entitled to strip down the lien secured by their motor vehicle down
16 to the collateral's value pursuant to the hanging paragraph of 11 U.S.C. § 1325(a).

17 WHEREFORE, Debtors respectfully pray that the Court enter its order determining the value of the
18 collateral to be \$27,912.00 and fixing the creditor's secured claim at that value.

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22 Dated: 2-5-2025


Scott Lyons, Attorney for Debtor(s)